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| <b>Application Number:</b> | <b>23/00595/CPL</b>                                                                                                                                              |
| <b>Location:</b>           | 48 Phyllis Street, Middleton, M24 2AQ                                                                                                                            |
| <b>Proposal:</b>           | Application for a certificate of lawfulness for a proposed two storey rear extension including alterations to the soil and vent pipe and an addition to the roof |
| <b>Applicant:</b>          | Mrs Syed                                                                                                                                                         |
| <b>Case Officer:</b>       | Bob Melling                                                                                                                                                      |
| <b>Recommendation:</b>     | <b>Grant</b>                                                                                                                                                     |

**Location**

The application refers to no. 48 Phyllis Street, a two storey, semi-detached dwelling located in a residential area of East Middleton. The application property faces northeast on to the highway, adjoins no. 46 Phyllis Street to the northwest and is adjacent to no. 50 to the southeast. To the front, the house is set back some 6m from the highway where there is a small front garden and area of hardstanding. To the rear, the ground levels slope down in a southwesterly direction where the subject property shares a common boundary with no. 7 Easton Close and no. 14 Chilton Drive.

**Description of Proposal**

A certificate of lawfulness is sought for a two storey rear extension, alterations to the existing soil and vent pipe and an addition to the roof

|                                                                          |     |
|--------------------------------------------------------------------------|-----|
| <b>Is the proposal wholly within the curtilage of the dwellinghouse?</b> | Yes |
|--------------------------------------------------------------------------|-----|

**Relevant History:**87/D20693

Two Storey Rear Extension To Dwellinghouse  
**Grant subject to conditions**

20/01127/HOUS

Two storey and single storey side and rear extension  
**Withdrawn**

21/01772/HOUS

Two-storey rear extension- Resubmission of 20/01127/HOUS  
**Withdrawn**

22/01608/HOUS

Two storey side extension, part two storey, part single storey rear extension and single storey front extension including canopy  
**Withdrawn**

23/00305/HOUS

Two storey side extension, front elevation bay window and canopy.  
**Grant subject to conditions**

|                                              |    |
|----------------------------------------------|----|
| <b>Permitted Development Rights removed?</b> | No |
|----------------------------------------------|----|

**Representations**

In accordance with the Council's code for publicity for this type of application, no letters of notification have been issued.

### **Legislation and Guidance**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Permitted development rights for householders – Technical Guidance (September 2019)

### **Assessment (Class A)**

Class A of Part 1 of Schedule 2 of the GPDO allows for the enlargement, improvement or other alteration of a house subject to it not being contrary to any of the following criteria:

- (a) Permission to use the dwellinghouse as a dwelling has not been granted only by virtue of Class M,N,P, PA or Q of Part 3 of the GPDO

☒ **Complies**

☐ **Does Not Comply**

- (b) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

☒ **Complies**

☐ **Does Not Comply**

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which -  
(i) Forms the principal elevation or  
(ii) Fronts a highway and forms a side elevation of the original dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

- (f) Subject to Paragraph (g), the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or exceed 4 metres in height.

☐ **Complies**

☐ **Does Not Comply**

**Note – This application proposes a two storey rear extension and paragraph (f) is therefore not applicable.**

- (g) For a dwellinghouse not on article 2(3) land or a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
  - (ii) exceed 4 metres in height.

☐ **Complies**

☐ **Does Not Comply**

**Note – This application proposes a two storey rear extension and paragraph (g) is therefore not applicable.**

- (h) The enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres.

☒ **Complies**

☐ **Does Not Comply**

**The height to eaves of the proposed two storey rear extension would be 5.04m. The plans indicate that the proposed two storey rear extension would not be within 2m of the boundary of the curtilage.**

- (j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would exceed 4 metres in height, have more than a single storey or have a width greater than half the width of the original dwellinghouse; or

☒ **Complies**

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☐ **Does Not Comply**

(ja) (any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

☒ **Complies**

☐ **Does Not Comply**

(k) it would consist of or include

- (i) the construction or provision of a veranda, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse

☐ **Complies**

☒ **Does Not Comply**

- ☒ **The plans do not include a balcony or raised platform**
- ☒ **The plans do not include the alteration of a microwave antenna**
- ☒ **The plans include the alteration of a soil and vent pipe - Assessment under Class G provided below.**
- ☒ **The plans include the addition to part of the roof of the dwellinghouse - Assessment under Class B provided below.**

#### Conditions

Finally, paragraph A.3 of the above order stipulates that development is permitted by Class A subject to the following conditions-

- a. The materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

☒ **Complies**

☐ **Does Not Comply**

☐ **Details not provided**

- b. Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be-
- i. Obscure-glazed, and
  - ii. Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

☒ **Complies**

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☐ Does Not Comply

☐ Details not provided

- c. Where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

☒ Complies

☐ Does Not Comply

☐ Details not provided

**Note - The pitch of the roof of the proposed two storey rear extension appears to be of a similar pitch as the roof of the host property.**

Assessment (Class B)

Development is not permitted by Class B if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of [Class M, N, P, PA or Q of Part 3] 1 of this Schedule (changes of use);

☒ Complies

☐ Does Not Comply

- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

☒ Complies

☐ Does Not Comply

- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

☒ Complies

☐ Does Not Comply

- (d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—  
(i) 40 cubic metres in the case of a terrace house, or  
(ii) 50 cubic metres in any other case;

☒ Complies

☐ Does Not Comply

- (e) it would consist of or include—  
(i) the construction or provision of a verandah, balcony or raised platform, or  
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

☐ **Complies**

☒ **Does Not Comply**

**Assessment under Class G provided below.**

(f) the dwellinghouse is on article 2(3) land.

☒ **Complies**

☐ **Does Not Comply**

Conditions B2:

Development is permitted by Class B subject to the following conditions—

(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

☒ **Complies**

☐ **Does Not Comply**

(b) the enlargement must be constructed so that—

- i. other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—
  - (aa) the eaves of the original roof are maintained or reinstated; and
  - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
- ii. other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

☒ **Complies**

☐ **Does Not Comply**

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—

- (i) obscure-glazed, and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 meters above the floor of the room in which the window is installed.

☒ **Complies**

☐ **Does Not Comply**

**Assessment (Class G)**

Class G of Part 1 of Schedule 2 of the GPDO allows for the installation of a soil and vent pipe on a dwellinghouse subject to it not being contrary to any of the following criteria:

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)

☒ **Complies**

☐ **Does Not Comply**

- (b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more; or

☒ **Complies**

☐ **Does Not Comply**

- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-
- (i) fronts a highway, and
  - (ii) forms either the principal elevation or a side elevation of the dwellinghouse.

☒ **Complies**

☐ **Does Not Comply**

**Recommendation:**

The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class A, B and G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Notes for applicant:**

For the avoidance of doubt, the decision relates to the following drawings:-

- Location Plan. Drg no. (02)001.
- Existing Plans & Elevations. Drg no. (02)200.
- Proposed Plans & Elevations. Drg no. (02)201. Rev B.

|                         | <b>Date</b> | <b>Officer</b> |
|-------------------------|-------------|----------------|
| <b>Report Completed</b> | 24/07/2023  | Signed: BM     |
| <b>Authorisation</b>    | 25/07/2023  | Signed: RC     |

